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JAY — INTERNATIONAL COOPERATION MEMORIALS

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OF THE

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1853-1854

Figure 1 consists of two 3D scatter plots. The top plot shows a dense cloud of points, with a distinct cluster of points colored in a light blue/purple hue, representing a specific population. The bottom plot shows a similar dense cloud of points, but with a different distribution of colors, including shades of blue, green, and yellow, representing different populations. Both plots are set against a dark background with a grid of lines.

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INTERNATIONAL COPYRIGHT.

MEMORIALS

OF

JOHN JAY AND OF WILLIAM C. BRYANT AND OTHERS,

IN FAVOR OF

An international copyright law.

MARCH 22, 1848.—Referred to a Select Committee.

APRIL 29, 1848.—Ordered to be printed.

To the honorable the Senate and House of Representatives in Congress assembled:

The memorial of the undersigned, a citizen of the State of New York,
RESPECTFULLY ASKS

The attention of your honorable bodies to the insufficient protection afforded to American literature by the present law of Congress on the subject of copyright.

Your memorialist, from a careful examination of the subject, is well persuaded that many injuries, direct and remote, are inflicted, by the exclusion of foreigners from the privileges of that act, upon the rights of American authors, upon the stability and respectability of the American book trade, and upon the interests of the American reading public; and that the passage of an international copyright law, by which foreign authors shall be allowed their copyright here, and American authors assisted to their copyright abroad, would not only be an act of national justice, but of national policy; that it would afford to our native authors, what they have never yet enjoyed, "*a fair field*;" that it would supply a new stimulus to intellectual exertion, infuse a more elevated tone into our national literature, give a healthier character and a wider competition to the American book trade, and secure a better class of books for general circulation.

In support of these views, your memorialist prays leave to submit to your honorable bodies a few arguments and facts.

That the restriction of the privileges of copyright to American authors may have been intended for their advantage, is highly probable; but its full operation, until within a few years, has been very imperfectly understood, and has never been fully brought to the attention of Congress.

Tippin & Strecker, printers.

The Committee on the Judiciary in the House of Representatives, (December 17, 1830,) who reported the present copyright act, after drawing a comparison between the legislation of this country for the protection of literature, and that of England, France, Russia, Norway, and Sweden, and declaring that the comparison showed that the United States were far behind the States of Europe in securing the fruits of intellectual labor, and in encouraging men of letters, thus warmly expressed themselves in regard to the rights and claims of authors:

"Your committee believe that the just claims of authors require from our legislation a protection not less than what is proposed in the bill reported. Upon the first principles of proprietorship in property, *an author has an exclusive and perpetual right, in preference to any other, to the fruits of his labors. Though the nature of literary property is peculiar, it is not the less real and valuable. If labor and effort in producing what before was not possessed or known will give title, then the literary man has title perfect and absolute, and should have his reward; he writes and he labors as assiduously as does the mechanic or husbandman. The scholar who secludes himself and wastes his life, and often his property, to enlighten the world, has the best right to the profits of those labors. The planter, the mechanic, the professional man, cannot prefer a better title to what is admitted to be his own. Nor is there any doubt what the interest and honor of the country demand on this subject.*

We ought to present every reasonable inducement to influence men to consecrate their talents to the advancement of science. It cannot be for the interest or honor of our country that intellectual labor should be depreciated, and a life devoted to research and laborious study terminate in disappointment and poverty."

No constitutional objection to the extension of copyright to foreigners existed to influence the committee in their restriction of that right to American writers, for the constitution authorizes Congress "to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries." There is no limitation of the power to natives or residents of this country. The object was to promote the progress of "science and useful arts," which have been well said to belong to no party or country, but to mankind generally. And Congress has already adopted the principle in the laws regulating patents, by extending their benefits to foreign inventions and improvements.

It seems, therefore, evident that the Congress by which the present amended copyright act was passed were not aware of the many injuries growing out of the exclusive system which they recognised and re-established, to the very parties whom it was intended and expected to benefit. These injuries may be thus stated:

I.—INJURY TO AMERICAN AUTHORS.

1. *In regard to the sale of their books at home.*

The present act, while intended to protect American authors in the full enjoyment of their work by giving them an exclusive right to their disposition for a long term of years at the same time introduces an unfair and ruinous competition by allowing them to be undersold by American book sellers, selecting and appropriating at their will the unprotected produc-

tions of the British press, multiplied editions of which naturally crowd out of the market works of American origin which are subject to copyright. In general, too, the popularity of the British works thus reprinted is a thing established, while that of the unpublished MS. of the American author is still uncertain.

It is evident, then, that the position in which our native authors are thus placed is discouraging in the extreme; that a fair opportunity of success is denied them; and that this position is not the result of any inferiority in their productions, nor of any reluctance on the part of the liberal American publishers to aid American literature, but, that it is the direct and inevitable consequence of the present law, which creates an unfair and overwhelming competition by the admission of unbought foreign literature.

That the infant literature of our young land has struggled successfully even with these obstacles, and that a few of our countrymen have achieved both fame and wealth by their writings, is very true; but it is also true that some, whose early literary productions were marked by great excellence and great promise, have been forced to relinquish the profession of letters for other pursuits more likely to yield them a support; and it is equally true that many American authors, whose writings have delighted and instructed both the Old and the New world, instead of enjoying from their works a comfortable independence, and being enabled to devote themselves, untrammelled by other cares, to their honorable and elevating task, derive with difficulty slender subsistence from the price received for the copyright of works which have, in some instances, realized fortunes to English publishers.

2. *In regard to the sale of their books abroad.*

By the act of the British Parliament, 1st and 2d Vict., chap. 59, for securing to authors, in certain cases, the benefit of international copyright, provision is made for affording protection within Great Britain to the authors of books first published in foreign countries, and their assigns, in cases where protection shall be afforded in such foreign countries to the authors of books first published in Great Britain; but in the absence of such protection here to foreign authors, it is denied in Great Britain to American authors, and the denial of this protection is to them a serious injury. The extent to which American books are reprinted and sold in England is probably little known in this country. In the "Report of the Committee on Patents and the Patent Office," adverse to an international copyright law, in the Senate of the United States, (25th Congress 1 session, No. 494,) June 25th, 1838, less than ten years since, after referring to the advantages which such a bill would give to an English author here, the report proceeded:

"It may be asked if we should not have an offset in similar advantages under the copyright law of Great Britain. The answer is found in the significant inquiry of the British reviewer, 'Who reads an American book?' The difficulty and expense of bringing an American work into notice with the British public are entirely insurmountable by American authors generally. It is stated in a recent publication that two hundred and fifty copies of Marshall's Life of Washington, revised and condensed, some six years since, by the author, were sent to England by one of our

publishing houses, whose bookselling connexions there were extensive, and offered to the trade at about one-fourth of the price of the first editions. The books remained in London two years, and fifty copies only were sold, on a long credit. The remaining two hundred copies were sent back, saddled with heavy expenses. This is a single instance from many, illustrating how little demand there is in England for American literature."

To exhibit, by positive proof, the singular incorrectness of this statement, your memorialist has hereto appended a list (appendix B) of upwards of five hundred American works reprinted in England by English publishers, which have been selected from a catalogue of English books, in which they appeared with nothing to designate their American origin.* Incomplete as this list probably is, from the impossibility of always recognising American works under the new titles with which they are often reprinted, and imperfect as is the view it presents of American literature in England, for the reason that it frequently designates but one edition and one publisher—whereas, in many cases, numerous editions have been put forth by various publishers; and inasmuch, also, as of late years a large number of American books have been exported to England, and there sold through an American agency at London, of which no note is here taken—it will yet suffice to give some idea of the extent to which our own authors are losers by being deprived of a copyright in Great Britain.

The "North American Review," after noticing the common impression that the benefits of an international copyright would be, with an immense preponderance, on the side of English authors, and that those of America are too few and the works too little relished in England to be of much importance in the comparison, remarks:† "No opinion can be more erroneous. Since the Edinburgh Review asked, some 25 years ago, 'Who reads an American book?' the tables have been turning exceedingly fast. They are turning at this moment faster than ever; and it is the opinion of as impartial and competent judges as any to be found, that in half as much more time an international copyright law will be decidedly of more value to American authors than to British. A very large part of the transactions of the book trade in both countries is in books for children's reading, and for their use in school education; and in both of these departments—in the latter, from the most elementary to the most elaborate treatises—American works (generally, but not always, under some thin disguise) are fast driving the English out of their market. Dr. Anthon's series of school classics ** they find much better than any to which they have hitherto been used; and from Peter Parley and the Abbott books up to Leverett's Latin Lexicon and the Cambridge Mathematics, the ingenious youth of the fast-anchored isle are enjoying luxuries in the way of instruction hitherto all unknown. In law, the treatises of the American Judge Story

*The following classification of American books printed in England some five years ago, is taken from Wiley & Putnam's American book circular, April, 1843:

Theology	-	-	-	68 works.	History	-	-	-	22 works.
Fiction	-	-	-	66 "	Poetry	-	-	-	12 "
Juvenile	-	-	-	56 "	Metaphysics	-	-	-	11 "
Travels	-	-	-	52 "	Philology	-	-	-	10 "
Education	-	-	-	41 "	Science	-	-	-	9 "
Biography	-	-	-	26 "	Law	-	-	-	9 "

† North American Review for July, 1842, page 262.

are regarded by the profession in England as the most important productions of the day. And in the department of theology, the superior estimation in which the writings of American Divines are held in the parent country, from sermons to the various kinds of composition of a more scientific character, may, we hesitate not to say, be regarded as an equally established fact. The most popular essays of the age in the English language are, without question, those of Dr. Channing; the most important books of travels are the recent ones of Professor Robinson and Mr. Stephens; the most successful history is that of Mr. Prescott. The writings of Irving and Cooper take rank in England with those of its own eminent authors in the same walks; and some even of our recent poets—the hardest case of all that enter into the comparison—are read almost as much as any native bards. This is but the beginning of a movement altogether unanticipated a few years ago. Such things do not go backward.”

In Wiley & Putnam’s “American Book Circular,” April, 1843, page 3, is the following passage on the acknowledged excellence of many American books: “We have also good English authority for the opinion that the Hebrew Grammar, by Nordheimer; the Hebrew English Lexicon, by Robinson; the Greek Lexicon to New Testament, by the same; the Commentary on Isaiah, by Barnes; System of Theology, by Dwight; Geography of Palestine, by Robinson; Text Book, edition of Horace &c., by Anthon; Modern Contribution to Spanish History, (Ferdinand, &c.) by Prescott; Medical Jurisprudence, by Dr. Beck; Medical Jurisprudence of Insanity, by Dr. Ray; Dictionary of the English Language (!!!) by Dr. Webster; are all the best works, in their several departments, existing in the language.”

But American authors are not only deprived of a fair market at home, and of all share in the profits of their works abroad; but,

3. *They are deprived of all protection in regard to their literary fame and the integrity of their works in foreign countries.* English publishers frequently abridge, mutilate, and adapt American works to suit their purposes, in the same manner that American publishers often treat English books; and they occasionally change the titles, and omit the author’s name.

Mr. Putnam says, in his Book Circular, upon this subject: “Some few American writers would scarcely recognise their own offspring under their new names and foreign dress; and authors are apt to take some pride in their bantlings, whether clever or otherwise. Who, in looking over a list of titles, would suppose that ‘Quebec and New York, or the Three Beauties,’ was the same as ‘Burton, or the Sieges;’ and ‘Cortes, or the Fall of Mexico,’ a re-print of ‘The Infidel;’ that ‘The Last Days of Aurelian’ is no other than Mr. Ware’s ‘Probus, or Rome in the Third Century;’ and ‘Montacute,’ only a new title for ‘A New Home;’ that Mr. Muzzey’s ‘Young Maiden’ and ‘Young Wife,’ are translated into ‘The English Maiden’ and ‘The English Wife;’ and Mr. Sparks’s ‘Life of Ledyard the American Traveller,’ is only made more attractive as ‘The Memoirs of Ledyard the African Traveller;’ (anon) and two volumes of his ‘Writings of Washington,’ in twelve volumes, are re-printed with the original title, and apparently as if complete. Dr. Harris’s ‘Natural History of the Bible,’ Bancroft’s translation of ‘Herreus’ Politics of Greece,’ Mr. Everitt’s translation of ‘Buttman’s Greek Grammar,’

were all reprinted and sold as English books; Judge Story's 'Law of Bailments' was chopped into fragments, and appended here and there, by Mr. Theobald, in his Notes on Sir William Jones. These are a few specimens: in most of them the *preface*, etc., is sufficiently altered to conceal their origin, and in several the author's name is entirely suppressed." (Page 6.)

II.—INJURIES TO AMERICAN PUBLISHERS, AND THE NUMEROUS ARTISANS CONNECTED WITH THE BOOK TRADE.

The present system is unfavorable to American publishers and the workmen in their employ, by rendering the business of reprinting speculative and unsafe.

When a publisher has purchased the entire copyright of a work, or the right to print the same for so many years or to the extent of a given number of copies, he has only to calculate, as accurately as may be, what will be the demand, and determine the supply and the price accordingly. The materials for safe and prudent calculation are within his own grasp, and publishers of small means can enter into competition with publishers of large means in bidding for copyrights. But in the case of reprints under the present system, the publisher who reprints a foreign work cannot in advance form certain calculations as to the result of the enterprise. The work being open to all, other publishers may be printing it at the same time; and the more popular the work, the more numerous the editions: so that neither in regard to the required supply, nor the reasonableness of the price, nor the extent of the sales, can he form any estimate with probable certainty. The publication of books under such circumstances becomes a mere speculation, where the risk of loss counterbalances the chance of profit, and which prudent and cautious publishers are apt to shun, as opposed to safe and correct principles of business, and from which men of small capital are driven by the fear of being ruined.

The natural results of such a state of things are unfavorable to the numerous classes engaged in the book trade. The business of reprinting the new and popular books that issue from the English press, is to a great extent monopolized by a few large houses whose wealth and power enable them to crush competition; and this monopoly, if profitable to the few, is injurious to the many.

There is frequently, too, a waste of capital in the multiplied editions of the same book; capital which would otherwise be profitably employed in the production of different works; and the risk attending this business, when it does eventuate in loss, is apt to effect not only individual publishers, but the numbers engaged in their employ, and whose remuneration depends upon their success.

It has been supposed by many that an international copyright law, if of advantage to authors, must be detrimental to publishers; but such an opinion has been based upon a narrow view of the subject, and has been rejected by a large number of printers, publishers, booksellers, and bookbinders throughout the country, as your honorable bodies may see from various petitions heretofore presented to Congress, one of which, from persons concerned in the book trade in New York, Boston, Hartford, New Haven, Philadelphia, Charleston, and other cities, is hereto appended, (appendix A,) in which the memorialists declare their opinion that "the

interests of the authors, the publishers, and the purchasers, are reciprocal, as those of the producer and consumer always are."

III.—DISADVANTAGES TO THE READING PUBLIC AND THE NATION AT LARGE.

Besides the disadvantages which this reciprocity of interest between authors, publishers, and readers naturally entails upon the latter, by aught which deranges the regularity or impairs the prosperity of the book trade, and the direct inconvenience to which they are often subjected from the slovenly editions of some books put forth in haste from fear of competition, and the loss, far more important, of others from the same motive, the present system has strongly tended to lower the standard of taste, feeling, and principle amongst us, by flooding the land with reprints and translations of light, ephemeral, and often an immoral cast, whose influence upon the minds of American youth is little calculated to encourage patriotic sentiments or Christian principles, or to fit them for the practical duties of American citizens.

Those works which add to a country's glory, and secure true fame for their authors, generally require great learning, great industry, and sometimes large capital, in their preparation. For such works by American writers no encouragement is held forth by a system which favors the introduction from abroad of foreign books, whose tone is characterized by "that ensnaring 'meretricious popularness' in literature which threatens to break up and scatter before it (with those subjected to influence) all robustness and manly vigor of intellect, and all masculine fortitude of virtue." A principal intent of the copyright act, beyond what is required by the principles of natural justice and equity, is, that the security afforded to authors "may encourage men of learning and genius to publish their writings which may do honor to their country and service to mankind." But in its practical operation a great temptation is afforded to our native authors to overcome, if possible, the competition of unbought foreign reprints, by producing works suited to the artificial demand they have created, and calculated to gratify the feverish and unhealthy taste engendered by the perusal of transatlantic novels, rather than to reform so morbid an appetite by supplying books of real value, teaching republican principles and inculcating American feelings.

This view of the case, in the opinion of your memorialist, forcibly addresses itself to the consideration of all who are friendly to an elevated American policy. "*A vigorous literature is always the congenial growth of a native soil*, and an able work in almost any department will have its train of thought in some measure tinged by the character of the institutions under which its author has been reared, and will of course exert, however insensibly, some degree of corresponding influence upon the reader's mind." Native writers have been, with reason, said to be as indispensable as a native militia. To them must we look for the dissemination, the exposition, and the maintenance of our country's principles and institutions, which, with her rapidly increasing power and extent, are daily becoming more and more the objects of jealousy and misrepres-

* Preamble to the copyright act passed by the State of Connecticut, January 1783—cited, Curtiss on Copyright, 78.

sentation in foreign lands, whose imported literature, breathing *another spirit* than our own, now displaces that which springs from American soil, and which would, if duly cherished, or if only allowed fair opportunity for growth, prove the true-hearted guardian and ever eloquent maintainer of American institutions. Under monarchical governments, it may be a matter of comparatively little importance whether the mass of the people are carefully informed and rightly appreciate the principles of their foundation. But in our land, whose institutions are based upon the capacity and integrity of the people, and can only retain their stability while maintained by their honesty and intelligence, we are forced to recognise the importance of a literature based upon popular principles and adapted to the genius of our government.

OBJECTIONS WHICH HAVE BEEN URGED AGAINST AN INTERNATIONAL COPYRIGHT LAW.

1st objection—*That it would transfer the manufacture of books for the American market from this country to England.*

In the adverse report of the Committee on Patents and the Patent Office already referred to, made to the Senate of the United States on the 25th June, 1838, the number of persons employed in the various branches connected with book-making and periodical publication in this country was estimated at two hundred thousand, and the capital employed in those branches at from thirty to forty millions of dollars; and it was argued that this large class would be seriously affected by the proposed measure, "in its inevitable tendency to divert labor and capital from their accustomed channels, and to derange an extensive and valuable business which it should be the cherished policy of the government to foster and protect;" that it would materially lessen an important manufacture, and take employment from our own citizens and transfer it to foreigners, to the great discouragement of American industry; that "a valuable portion of the book-making business, with the extensive employment and manufactures connected with it, will inevitably be transferred from our own country to Europe." That large editions of books can be printed at a much less average cost than small editions; and that when we take into consideration the great abundance of capital and the cheapness of labor in England, it could not be doubted that the printing of foreign books for the American market would, to a great extent, be engrossed by foreign publishers, especially as the power and controlling influence of the great publishing houses in London over the literary market in that country would secure to them a monopoly also of American copyright for the writings of British authors;" and the committee concluded by regarding it as perfectly clear that by the enactment of an international copyright "the profits of trade and manufacture, and all the benefits arising from encouragement to national industry, would be for us on the wrong side of the ledger."

The whole force of this objection rests in the supposition that an international copyright for the protection of authors and the encouragement of a national literature would allow British publishers to secure a copyright in this country for English editions, and supply the American public with imported books, to the great detriment of the American book trade.

* See memorial of citizens of New York, praying the passage of an international copyright law: 25th Congress, 2d session, Senate document 399—April 24, 1838.

No such necessity exists, and no such privilege for foreign publishers could be desired by any American friendly to the encouragement of native industry. All that is asked is protection for the rights of authors; and that protection may be given both at home and abroad by an international copyright, coupled with the conditions, as regards foreign books, that "*the type, ink, and paper shall be made, and the printing and binding done, in AMERICAN WORKSHOPS.*"

And then the new impulse thus given to American authorship, the increased stability and prosperity thus added to the business of American publishers, so far from operating injuriously upon our type-founders, paper-makers, and book-binders, will naturally and necessarily, from the unity and harmony of their interests, have a beneficial influence upon all the varied and numerous classes who find employment in the American book trade.

2d objection—*That the inevitable effect of an international copyright would be to enhance the price of books to American readers, and consequently to circumscribe their sale.*

The supposition, that because a publisher pays for a foreign copyright, he must therefore charge a higher price for the book, might be sound if he were to receive from the copyright no corresponding benefit. But he will receive an equivalent in the security it affords against interference; and in the case of popular works, he will by the copyright be enabled to stereotype them, which otherwise he could not safely do; and thus the copyright may procure "not a less, but a greater multiplication and cheapness of copies, for the public benefit, along with a larger sale for the benefit of booksellers."*

It has been suggested that foreign authors may probably charge exorbitant prices for their books; and that "the favored publishers, secure from competition, would doubtless find in the enhancement of price a compensating profit under a restricted sale."† But such objections belong to past years, and were evidently made by persons who little understood the fundamental and now universally acknowledged principles of trade. The price paid for foreign copyrights would be regulated not by the author's own estimate of his genius, but by the popularity of his works, and, as in the case of all commodities, the demand would regulate the supply; and the American publishers who may secure such copyrights, instead of acting on the exploded maxim of restricting sales and raising prices, would pursue their accustomed plan—the great principle of successful business, never better understood than at the present day—of large sales and small profits.

As an illustration of the fact that copyright will not materially enhance the price of books, if indeed it shall enhance it at all, may be cited the two series of works published by Wiley & Putnam, of New York, under the joint title of "Library of Choice Books." One of these series consists of foreign reprints, for which nothing is paid, but which is liable to competition; the other of American books of which the copyright has been purchased. Both series are published precisely in the same form and style, and at the same price.

"The statute of Anne," says Chancellor Kent, "had a provision against

* North American Review.

† Report of the Committee on Patents, p. 4.

the scarcity of editions and exorbitancy of price. The act of Congress has no such provision; and it leaves authors to regulate, in their discretion, the number and price of their books, calculating (and probably very correctly) that the interest an author has in a rapid and extensive sale of his work will be sufficient to keep the price reasonable and the market well supplied.*

3d objection—*The want of reciprocity from an alleged scarcity of American books in England.*

This objection, which was urged with great pertinacity in the report of the Committee on Patents, has been already cited and answered by reference to the annexed list of nearly six hundred American books which have been reprinted in Great Britain.

4th objection—*That it would prevent the adaptation of English books to American prejudices.*

"We would also suggest," is the language† of a former remonstrance against international copyright, "another point of vital import. If English authors obtain copyrights upon their works here, and our markets are supplied with them, it is apparent that, having no power to adapt them to our wants, our institutions, and our state of society, we must permit their circulation as they are. We shall thus have a London literature forced upon us, at once driving our own out of the field, and subjecting the community to its influence. So long as we have power over it, so long as we can shape it as may suit our own taste and condition, we have nothing to fear."

Although we may have "the power," under the present state of things, to mutilate and deface the unprotected works of foreign writers, yet, if authors do possess that property in their productions attributed to them by the committee who framed the present act of Congress, and recognised, in the words of Lord Mansfield, by "the universal consent of ages," then we have no *right* so to do; and if we had both the power and the right, it would exhibit but little confidence in the stability of our institutions and the principles of their foundation, and but slight reliance on the ability and patriotism of our own authors as the conservators and defenders of their country's honor, were we to shrink from fairly meeting the strictures and arguments of any writers, and especially were we to justify publishers, while appropriating the work of a foreign author, to violate its integrity by wanton and gratuitous interpolations, attributing to him sentiments which he never entertained, obliterating passages which they think may clash with their patrons' prejudices, and pleasantly disposing, by omission, of facts and arguments which might be hard to answer.

The "adaptation" of American books by British publishers has been again and again denounced as unfair, unreasonable, and in every view unjustifiable; and the same reasons which make it a base thing in foreign countries, exist to prevent it from being an honorable thing at home.‡

* 2d Kent's Commentaries, 375.

† Memorial of a number of persons concerned in printing and publishing: Senate document No. 323, 27th Congress 2d session, June 15, 1843.

‡ A recent number of the "Literary World," New York, February 5, 1848, has the following notice of the "adaptation" of an American book "to the wants of Germany:"

"European piracy of American books.—A late number of the London Athenæum gives an ac-

5th objection—" *That an international copyright law would be unjust, as it would have a retrospective operation, and impair the obligation of existing contracts.*"*

This objection will be avoided by a bill applicable only to books which may be published after its passage.

6th objection—" *That American copyright is more valuable than that of Great Britain in respect to time and the tax on authors.*"

The Committee on Patents, in their adverse report, remark :

"An extension of copyright is claimed also on the score of reciprocity. But that principle is inadmissible, except where it is attended with equal advantages on both sides. In addition to the inequality already mentioned, it is proper to advert to the difference in the value of copyright under the British and American copyright law. In respect to *time*, calculating the chances of life and of issue, theirs is one third shorter than ours ; and our law exacts of the author but one copy, while that of Great Britain imposes a tax of five, which is complained of there as an unjust and severe exaction."

Since the date of that report, in June, 1838, the term of copyright in Great Britain has been extended, by the act of 5th and 6th Vict., c. 45, (passed July 1st, 1842,) to forty-two years from the first publication of a work, with a further term of seven years, to the author and his assigns—a provision in some respects more to the interest of authors than the copyright act of the United States.

In regard to the number of copies to be required from authors under an international copyright law, there has also been a change in the legislation of both countries. The act of 1st and 2d Vict., chap. 59, entitled "An act for securing to authors, in certain cases, the benefit of international copyright," (passed 30th July, 1838,) requires of the foreign author only *one* printed copy of each book, and of every volume thereof, to be delivered to the store housekeeper of the Company of Stationers, for deposit in the library of the British Museum : whereas, by the act of Congress of 10th August, 1846, chap. 178, § 10, a copy of each book admitted to copyright is required to be delivered to the librarian of the Smithsonian Institution, in addition to that previously required for deposit in the library of Congress. So that, were foreign authors admitted to the privilege of copyright in America, upon the same terms with our own authors, two copies of their future publications would be deposited in Washington, and thus two new libraries would spring up under the auspices of Congress, without the expenditure of a dollar from the national treasury; libraries to whose shelves would be added year by year the valuable works to which foreign genius may hereafter give birth, and that would keep pace, in their enlargement, with the progress of letters, so long as the American Union may continue, without money and without care.

count of an impudent exploit of book buccaneering which has recently been performed in Germany. Some German literary corsair has, it seems, boarded the home craft, known as Mrs. Sedwick's 'Poor Rich Man,' and altered its register so as to make it hail from Hamburg. In a word, the plunderer has changed the title, and by striking out the word 'New York' where it occurred in the story, and substituting 'Hamburg,' with its streets and localities, has taken the credit of originality instead of getting a halter for his rascality."

* Remonstrance of inhabitants of Massachusetts against the passage of an international copyright law.—Doc. No. 416, House of Representatives, 25th Congress 2d session—June 4, 1838.

Your memorialist is impressed with the conviction that the passage of an international copyright law would be attended by the various benefits that have been suggested, unaccompanied by the evils which a few have anticipated, and that such a law, even were it attended by some inconveniences from which it is free, would be warmly welcomed by American readers as an act of justice and benefit to many foreign authors who have for long years, without compensation, delighted and instructed them, and whose unpaid labors have afforded wealth to our publishers, and employment for our artisans in the book trade, and also as an act of justice and benefit to our own authors, borne down by the operation of existing laws intended for their benefit, but marked by an antiquated policy unworthy of our institutions and our age, alike illiberal and unjust.

Your memorialist shows to your honorable bodies that several of the European governments have within the last year entered into conventions with each other for international copyrights, based upon the same principle of reciprocity which was incorporated into the copyright law of several of the United States before the adoption of the constitution,* and that very many of our liberal and enlightened countrymen are earnestly desirous to see the American republic in like manner recognise the rights and protect the interests of all who belong to the republic of letters, and not lag behind in the march of improvement, in which it is her boast to be ever found foremost.

Your memorialist is further informed that in most of the copyright conventions recently entered into between European governments, the right of an author in his work is held to include the right to translate it into any foreign language, and that no person is allowed to publish a translation of another's work until the author has had an opportunity of himself supplying such translation, if he thinks fit to do so. And your memorialist submits that the extent to which the works of Cooper, Irving, Prescott, Sedgwick, Poe, and many others of our writers, are systematically translated into the various languages of Europe, renders it a matter of serious importance that the right in foreign translations should, if possible, be secured to American authors.

Your memorialist therefore respectfully prays your honorable bodies to take this subject under consideration, and to enact in amendment of the present law of copyright, with such further provisions and amendments as to your wisdom shall seem meet, that the provisions of the existing law respecting copyrights passed on the third day of February, eighteen hundred and thirty-one, shall be extended to, and its benefits enjoyed by, the citizens or subjects of any foreign State or country which shall first have granted to the citizens or residents of the United States the same privileges within such foreign State or country, in regard to copyrights, as are enjoyed by the citizens or subjects of such foreign State or country, or by those of the most favored nations, upon their depositing a printed copy of the title of the book or other work for which the copyright is desired, in the clerk's office of the district court of any district in the United States, and complying with the other requirements of the said act, and depositing a duplicate copy of such work for the library of the Smithsonian Institute: *Provided*, That such privileges shall not attach to any of the works enumerated in the aforesaid act, which shall have been

* Curtis on the Law of Copyright, pages 80, 81.

etched or engraved, printed, or published prior to the passage of such act for extending the benefits thereof to foreign authors: *And provided also*, That the title-page of the work for which it is intended to secure the copyright shall be deposited in the clerk's office of the district court, as aforesaid, before any foreign copy thereof shall have been imported to this country: *And provided also*, That such work shall be printed and published in the United States within a specified time after the depositing of the title-page as aforesaid.

And, further, that both American and foreign authors shall be equally entitled to copyrights for translations of their works into foreign languages, as for the original works themselves, on complying with the provisions and conditions for that purpose above specified.

And your memorialist will every pray.

JOHN JAY.

NEW YORK, *March 18*, 1848.

APPENDIX A.

Memorial of citizens of the United States for an international copyright law, December 16, 1843.

To the honorable the House of Representatives of the United States :

This memorial, of American publishers and booksellers,

RESPECTFULLY REPRESENTS :

That your memorialists, publishers and venders of books in the United States, and deeply interested, not only as booksellers in particular, but also as American citizens in general, in the greatest possible diffusion of knowledge and sound literature, are fully convinced, by their experience as traders in books, that the present law regulating literary property is seriously injurious both to the advancement of American literature and to that very extensive branch of American industry which comprehends the whole mechanical department of book-making. It is alike injurious to the business of publishing and to the best and truest interests of the people at large.

Your memorialists, after a careful and mature consideration of the important subject, are fully satisfied that the great interests of knowledge and industry of those who provide the community with reading, and of the vast reading community itself, would be most essentially promoted by the passing of a law which would secure to the authors of all nations the sole right to dispose of their compositions for publication in the United States, (whether they may be published in foreign countries or not,) provided always the book be printed in the United States within a certain time (to be settled by law) after its publication in a foreign country; and provided also that the copyright for this country shall be transferable from the author to American resident publishers only.

Your memorialists are satisfied that this equitable protection would enable the publishers to furnish their fellow-citizens both with foreign and American literature in such forms and at such prices as would truly meet

the wants as well as the means of the people, while the writers of books would receive the just compensation for their labor and talent wherever their works may be read. Your memorialists are of opinion that the interests of the authors, the publishers, and the purchasers are reciprocal, as those of the producer and consumer always are.

Your memorialists would also refer to the fact that no more than a measure such as they respectfully but urgently desire, is necessary, in order to secure at once to the American authors a copyright for their books in Great Britain.

Your memorialists therefore respectfully request your honorable body to take into consideration the present law of copyright in the United States, and to enact such law as may secure to the authors of foreign nations the right to dispose of their works to American publishers, to be printed in this country, providing that such right shall extend to the authors of those countries only whose governments have granted, or may grant, a reciprocal privilege to our authors, and with such other provisions as may seem to your wisdom to be desirable and just.

And your memorialists, &c., &c.

Publishers and booksellers of New York.

D. Appleton & Co.	Jonathan Leavitt.
John Allen.	William Gowans.
Bartlett & Welford.	Roe Lockwood.
Alexander V. Blake.	Robinson, Pratt & Co.
T. J. Crowen.	William Robinson.
Robert Carter.	James A. Sparks.
M. W. Dodd.	Swords, Stanford & Co.
Edward Dunigan.	John S. Taylor & Co.
Charles S. Francis & Co.	E. Walker & Co.
Charles J. Folsom.	Effingham Embree.
Huntington & Savage.	Turner & Hayden.
J. & H. G. Langley.	

Printers of New York.

William Osborn.	J. H. Jennings.
James P. Wright	Thomas B. Smith.
John F. Trow.	

Publishers of Boston.

T. H. Carter & Co.	Lewis & Sampson.
Crocker & Brewster.	Samuel G. Drake.
William Crosby & Co.	Elizabeth P. Peabody.
Robert S. Davis.	W. J. Reynolds.
Joseph H. Francis.	Saxton, Pierce & Co.
Harrison Gray,	Tappan & Dennet.
(Provided American plate,	W. D. Ticknor & Co.
type, and paper are used.)	Thomas H. Webb.
Jenks & Palmer,	David H. Williams.
(Provided American type and	R. H. Sherburne.
paper are used.)	D. S. King & Co.

Wm. B. Fowle & N. Capen.
B. B. Mussey.

Otis, Broaders & Co.
Benjamin Bradley, (bookbinder.)

Bookbinders of New York.

Samuel Middlebrook.
Colton & Jenkins.
George Hogg.
A. T. Canfield.

Edward Walker.
Edward G. Taylor.
James Liner.

Booksellers of Hartford and New Haven, Connecticut.

John C. Wells.
Gordon Robbins, jr.
Sidney Babcock.
Crosswell & Jewett.

Dunie & Peck.
A. H. Maltby.
Benjamin Noyes.]

Booksellers and publishers of Philadelphia.

George S. Appleton.
J. B. Lippincott & Co.
J. Wheatham & Son.
Hogan & Thompson.
Edward C. Biddle.
A. S. Barnes & Co.
Carpenter Wharton.
Henry F. Annas.
Thomson & Brown.

John W. Moore.
William G. Wardle.
James B. Longacre.
T. K. & P. G. Collins.
Judah Dobson.
H. Hooker.
T. Ellwood Chapman.
Richard S. H. George.
R. W. Pomeroy.

Booksellers at different places.

John Owen, Cambridge, Mass.
Babcock & Co., Charleston, S. C.
Samuel Hart, sr., (per G. & P.) Charleston, S. C.
Pliny Miles, Watertown, N. Y.
William Wilson, Poughkeepsie, N. Y.
Francis Putnam, Salem, Mass.
W. & S. B. Ives, do.
Henry Whipple, do.
L. W. Hall & Co., Syracuse, N. Y.
W. B. & C. E. Peck, Buffalo, N. Y.
O. G. Steele, do.
George Tracy, Utica, N. Y.
Bennett, Backus & Hauley, Utica, N. Y.
J. Tiffany, do.
Allen, Morrill & Wardwell, Andover, Mass.

APPENDIX B.

Catalogue of American books published in Great Britain.

A.

- Abbott, Jacob, *China and the English*, 18mo ; 1s. 6d. Ward.
 Corner Stone, 12mo ; 5s. Wightman.
 Corner Stone, by Dr. Pye Smith, 12mo ; 5s. Seeley.
 Corner Stone, with *Essay*, by Philip, 18mo ; 2s. 6d. Ward.
 Hoaryhead and the Valleys Below, 18mo ; 2s. 6d. Hodson.
 Little Philosopher, 18mo, half bound ; 2s. Seeley.
 Reader, Pieces in Prose and Verse, 18mo ; 3s. Parker.
 Rollo at Play, 12mo ; 2s. 6d. Tegg.
 Rollo at School, 18mo ; 2s. 6d. Tegg.
 Rollo at Vacation, 12mo ; 2s. 6d. Tegg.
 Rollo at Work, 12mo ; 2s. 6d. Tegg.
 Rollo Learning to Read, 12mo ; 2s. 6d. Tegg.
 Rollo Learning to Talk, 12mo ; 2s. 6d. Tegg.
 Rollo's Code of Morals, 18mo ; 2s. 6d. Bogue.
 Teacher, 18mo, 3s., Darton. By Mayo, 12mo, 5s. Seeley.
 Way to do Good, 12mo ; 3s. Dinnis.
 Works, 8vo ; 12s. Tegg.
 Young Christian, by Cunningham, 12mo ; 2s. 6d. Seeley.
 Young Christian, by Inness, 12mo ; 2s. 6d. Longman.
 Young Christian, by Walton, 18mo ; 2s. 6d. Mason.
- Abbott, J. C., *Child at Home*, 32mo ; 2s. Mason. 18mo ; 2s. 6d. Seeley.
- Abeel's (David) *Residence in China, &c.*, 1830-'33, 12mo ; 6s. Nisbet.
- Adams, Hannah, *History of the Jews*, 8vo ; 12s. Duncan.
- Adams, Hannah, *View of all Religions*, by Fuller, 12mo ; 7s. 6d. Williams.
- Alsop, Richards, *Translation of Molina's History of Chili*.
- Alexander, (Arch.) *Canon of the Scriptures Ascertained*, 12mo ; 5s. Miller.
- Alston, Washington, *Sylph of the Seasons, and other Poems*.
 Mouoldi, 18mo. Moxon.
- American Biography, *Lives of Mrs. Judson and Ramsay*, 18mo ; 3s. 6d. Hamilton.
- American Biography, *Broad Grins*, 18mo ; 2s. 6d. Tyas.
- American Biography in England, by Lieut. Slidell, 2 vols. post 8vo ; 18s. Colburn.
- Anthon's (C.) *First Latin Grammar and Exercises*, by Hayes, 12mo, bd. ; 4s. Tegg.
- Anthon's (C.) *Greek Grammar*, by Major, 12mo, bd. ; 4s. Tegg.
 Greek Reader, by Boyd, 12mo ; 7s. 6d. Tegg.
 Prosody and Metre, by Major, 12mo, bd. ; 2s. Tegg.
- Arthur's (T. S.) *New Story Book*, 32mo ; 2s. Darton.
- Atlantic Club Book, 2 vols. 8vo., 18s. Newman.
- Audubon's *Ornithological Biography*, v. 1-6, royal 8vo ; each £1 5s. Longman.
- Audubon's *Synopsis of the Birds of North America*, 8vo ; 12s. Longman.

B.

- Bancroft, History of the United States, 2 vols. royal 8vo ; £1 6s. Fullerton.
- Baird, Rev. Dr. Robert, Religion in America, 8vo.
- Barnes, A., Notes on Isaiah, 8vo ; £1 5s. Tegg.
 Notes on the Gospels, 2 vols. 18mo ; 2s. Tract Society.
 Notes on the New Testament, vols. 1, 6, and 9, post 8vo ;
 each 4s. 6d. Blackie.
 Questions on the Gospels ; 2s. Blackie.
 New Testament. Ward & Co.
- Beck, T. R., Elements of Medical Jurisprudence, 8vo ; £1 1s. Longman.
- Bedell's Memoirs of S. H. Tyng, 8vo ; 7s. 6d. Seeley.
- Bellamy, Nature and Glory of the Gospel, 8vo ; Ward.
- Belden, S. W., Case of J. C. Rider, the Sonambulist, 18mo ; 2s. Hodson.
- Biblical Cabinet, No. 7, Plank's Sacred Philology and Interpretation, 6s. Hamilton.
 Stuart's Greek Syntax of the New Testament, 6s. Hamilton.
- Botta's War of Independence of America, translated by Otis, royal 8vo ; 13s. Fullarton.
- Bowditch, Practical Navigation, by Kirby, 8vo, bd. ; 12s. Hardy.
- Brister, John, America and her Resources, 8vo ; 9s. Colburn.
 Anglican and Anglo-American Churches, 8vo ; 10s. 6d.
- Bruen, Matthias, Memoir of, 12mo ; 7s. Hamilton.
- Bryant, Wm. C., Poems, 8vo ; Smith.
 Poems, 18mo ; Clark.
- Buckminster's Sermons, 2 vols. 8vo ; £1 2s. Hunter.
- Burnap, G. W., Lectures on the History of Christianity, 12mo ; 7s. J. Chapman.
 Lectures on the Principal Passages of Scripture, 12mo ; 6s. J. Chapman.
- Burton, a novel, 3 vols. 12mo ; 18s. Newman.
- Bush's Notes on Genesis, 2 vols. 12mo ; £1 10s.
 Notes on Joshua, 8vo ; Ward.
 Notes on Judges, 8vo ; Ward.

C.

- Cabot, Sebastian, Memoir of, 8vo ; 10s. Sherwood.
- Cæsar's Commentarii, with English notes, by Anthon, 12mo, bd. ; 6s. Tegg.
- Cæsar's Commentarii, with English notes, by Anthon, 12mo ; 4s. 6d. Longman.
- Catlin, G., North American Indians, 2 vols. royal 8vo ; £1 10s. Bogue.
 Indian Portfolio, imperial folio, 5, 6 ; 5s. Col. £10 10s. H. Bohn.
- Cavaliers of Virginia, an Historical Romance, 3 vols. 12mo ; 16s. 6d. Newman.
- Chandler, P. W., American Criminal Trials, vols. 1 and 2, 8vo ; each 9s. Benning.

- Channing, W. E., Discourses, 12mo ; 6s. Simpkin.
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 Lectures on Pilgrim's Progress, 12mo, 2s. ; post 8vo, 3s. Collins
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 inson.
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 Poems, 12mo. Clarke.
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 man.

F.

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G.

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- Greenwood, W. T., Sermons, 2 vols. post 8vo ; 16s. J. Chapman.
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H.

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 Hooker, Herman, Portion of the Soul, 18mo. Seeley.
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 Holmes, Oliver Wendell, Poems. Rich.
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